

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2020-11

**AN ORDINANCE SUPPLEMENTING THE BOROUGH'S
REVISED GENERAL ORDINANCES WITH NEW
CHAPTER 328: "OVERCROWDING OF DWELLINGS" TO
ESTABLISH AND REGULATE THE MAXIMUM
OCCUPANCIES OF DWELLINGS WITHIN THE
BOROUGH OF BRADLEY BEACH**

Mayor Engelstad offered the following Ordinance and moved its introduction:

WHEREAS, as a resort municipality, the Borough of Bradley Beach (the "Borough") welcomes thousands of visitors to its community each year; and

WHEREAS, overnight visitors to the Borough often find accommodations within properties, buildings, and structures that serve as dwellings and are not otherwise regulated by any other statute, rule, or ordinance pertaining to rental, seasonal, or commercial properties; and

WHEREAS, minor children, elderly and handicapped individuals may be particularly vulnerable in the event of emergency within overcrowded structures; and

WHEREAS, the Borough seeks to establish standards to govern the maximum occupancies for all properties, buildings, and structures located within its limits to avoid circumstances of over-crowding hazardous to the health, safety, and welfare of the public;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. The Revised General Ordinances of the Borough of Bradley Beach are hereby supplemented with *new* Chapter 328, entitled "Overcrowding of Dwellings", as follows:

CHAPTER 328

OVERCROWDING OF DWELLINGS

§ 328-1 Overcrowding of Dwellings Prohibited.

- A. Except as provided in Section 328-11 and Section 328-12 of this chapter, at no time shall any dwelling unit within the Borough be occupied overnight by more occupants than permitted by the minimum area requirements of Schedule A: Minimum Area Requirements, as follows:

SCHEDULE A – MINIMUM AREA REQUIREMENTS

	<u>Minimum Area in Square Feet</u>		
<u>Type of Space</u>	<i>1-2 Occupants</i>	<i>3-5 Occupants</i>	<i>6 or More Occupants</i>
Living Room	120	120	150
Dining Room	No Requirement	80	100
Bedrooms	70 for Single Occupant 50 per Occupant for Multiple Occupants	70 for Single Occupant 50 per Occupant for Multiple Occupants	70 for Single Occupant 50 per Occupant for Multiple Occupants

B. The following factors may be considered by the enforcing officer as rebuttable presumptions of overcrowding and shall support the issuance of a summons and/or complaint by the enforcing officer:

1. The occupying of areas of dwellings not classified as habitable rooms under Section 210-7 of this Code.
2. The location of mattresses or bedding materials in areas of the dwellings not classified as bedrooms under Section 450-4 of this Code.
3. The existence and proximity of appliances and/or refrigeration units in various areas of a dwelling unit in addition to those located in the kitchen.

§ 328-2 Access for Bedrooms.

Bedrooms shall not be used as the only means of access to other bedrooms or habitable spaces within any dwelling unit, except for dwelling units that contain fewer than two bedrooms.

§ 328-3 Conversion of Space.

The conversion of space not otherwise classified as habitable under Section 210-7 of this Code for the purposes of increasing square footage to comply with this chapter is prohibited.

§ 328-4 Combined Spaces.

Combined living room and dining room spaces shall comply with the requirements of Schedule A hereinabove if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

§ 328-5 Prohibited Uses.

Kitchens and non-habitable spaces shall not be used for sleeping purposes.

§ 328-6 Privacy.

Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

§ 328-7 Minimum Ceiling Heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet, except that:

- A. In one- and two-family dwellings, beams or girders spaced not less than four feet on center and projecting not more than six inches below the required ceiling height.
- B. Rooms used exclusively for sleeping, study, or similar uses and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet over not less than 1/3 of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor areas with a clear ceiling height of five feet or more shall be included.
- C. Basement rooms in one- and two-family dwellings used exclusively for laundry, study, or recreation purposes having a ceiling height of not less than six feet eight inches with not less than six feet four inches of clear height under beams, girders, ducts, and similar obstructions.

§ 328-8 Minimum Room Widths.

A habitable room, other than a kitchen, shall not be less than seven feet in any plan dimension. Kitchens shall have a clear passageway of not less than three feet between counter fronts and appliances or counter fronts and walls.

§ 328-9 Food preparation.

All spaces to be used for food preparation shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

§ 328-10 Efficiency Unit.

Nothing in this chapter shall prohibit an efficiency unit from meeting the following requirements:

- A. A unit occupied by not more than two occupants shall have a clear floor area of not less than 220 square feet. A unit occupied by three occupants shall have a clear floor area of not less than 320 square feet. These required areas shall be exclusive of the areas required by Subsections 328-10(B) and 328-10(C) hereof.
- B. The unit shall be provided with a kitchen sink, cooking appliance and refrigerator facilities, each having clear working space of not less than 30 inches in front; light and ventilation conforming.
- C. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.
- D. The maximum number of occupants shall be three.

§ 328-11 Waivers and Appeal.

- A. The owner of a dwelling unit or person whose name appears on a lease agreement for a dwelling unit covered by the provisions of this chapter may request, in writing, to the Code Enforcement Officer a waiver of the occupancy limitations specified in this chapter, which shall be determined on a case-by-case basis in the discretion of the Code Enforcement Officer. Any requests from a tenant shall be accompanied by the written permission of the landlord.
- B. Any person denied a waiver by the Code Enforcement Officer under Subsection 328-12(A) may appeal such decision to a court of competent jurisdiction as permitted by law.

§ 328-12 Enforcement and Penalties.

This chapter may be enforced by the Code Enforcement Officer or the Police Department, as the case may be. Any person violating this chapter, upon conviction before the Municipal Court, shall be fined such sum not exceeding \$2,000.00 as the Municipal Judge may impose in his or her discretion. Each day that such violation exists shall constitute a separate and distinct offense.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Bradley Beach, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

SO ORDAINED as aforesaid.

ERICA KOSTYZ
Municipal Clerk

GARY ENGELSTAD
Mayor

Introduced: June 23, 2020

Date of Hearing and Adoption: